

HOUSE JOURNAL

SEVENTY-SECOND LEGISLATURE, FOURTH CALLED SESSION

PROCEEDINGS

THIRD DAY — THURSDAY, NOVEMBER 12, 1992

The house met at 10 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 3).

Present — Mr. Speaker; Alexander; Arnold; Bailey; Barton; Berlanga; Black; Blair; Bomer; Bosse; Brimer; Cain; Cavazos; Chisum; Clemons; Colbert; Coleman; Collazo; Conley; Cook; Counts; Craddick; Crawford; Cuellar, H.; Cuellar, R.; Culberson; Danburg; De La Garza; Delco; Denton; Dutton; Earley; Eckels; Edwards; Erickson; Finnell; Fleuriet; Fraser; Gallego; Gallegos; Glossbrenner; Goodman; Goolsby; Granoff; Gray; Greenberg; Grusendorf; Gutierrez; Harris; Hartnett; Heflin; Hernandez; Hightower; Hilderbran; Hill, F.; Hirschi; Horn; Hudson; Hunter, B.; Hunter, T.; Johnson; Jones; Kamel; Kubiak; Kuempel; Laney; Larry; Lewis, R.; Linebarger; Luna; Madla; Marchant; Martin; Martinez; Maxey; McCall; McCollough; Mowery; Naishtat; Oakley; Ogden; Ovard; Park; Patterson; Perez; Pierce; Place; Price; Puente; Rabuck; Ramsay; Rangel; Repp; Robnett; Rodriguez; Rudd; Sadler; Saunders; Schechter; Schoolcraft; Seidlits; Shelley; Smith, A.; Smith, D.; Soileau; Stiles; Swinford; Tallas; Taylor; Telford; Thomas; Thompson, G.; Thompson, S.; Turner, B.; Turner, S.; Uher; Van de Putte; Von Dohlen; Vowell; Watkins; Wentworth; Williamson; Willis; Willy; Yarbrough; Yost.

Absent, Excused — Blackwood; Brady; Campbell; Carona; Cate; Delisi; Glaze; Haggerty; Hamric; Hilbert; Hill, A.; Holzheuser; Jackson; Junell; McDonald; Moreno; Oliveira; Pennington; Shea; Smithee; Wilson; Wolens.

Absent — Carter; Wallace.

The invocation was offered by Dr. Steven Wright, pastor, Park Hills Baptist Church, Austin, Texas, as follows:

Heavenly Father, how we give praise to you this morning for the precious gift of life itself!

May those who deliberate within these venerated walls have as their greatest motive the service of a mighty God, who would have men and women live in peace and harmony.

Give them wisdom to rule. Wisdom that is not their own. Wisdom that reveals hearts of compassion. Wisdom that settles the anxieties of the people. Wisdom that negates inequity and harm. Wisdom that honors such a mighty God as you. In Christ's name we pray, amen.

LEAVES OF ABSENCE GRANTED

The following members were granted leaves of absence for today because of important business:

Glaze on motion of Sadler.

Wolens on motion of Kubiak.

Junell on motion of Alexander.

A. Hill on motion of Thomas.

Jackson on motion of Yost.

Haggerty on motion of Yost.

Hamric on motion of McCall.

Campbell on motion of McCall.

Oliveira on motion of Chisum.

Cate on motion of Hernandez.

Smithee on motion of Brimer.

Wilson on motion of Watkins.

Pennington on motion of A. Smith.

The following members were granted leaves of absence for today because of important business in the district:

Carona on motion of Swinford.

Brady on motion of Hirschi.

The following members were granted leaves of absence for today because of illness:

Delisi on motion of Earley.

Blackwood on motion of Brimer.

Moreno on motion of Rangel.

The following member was granted leave of absence for today because of illness in the family:

Holzheuser on motion of Goolsby.

The following member was granted leave of absence temporarily for today to attend a funeral:

Hilbert on motion of Eckels.

SIGNED BY SPEAKER

The speaker signed in the presence of the house, after giving due notice thereof, the following enrolled resolution:

HCR 2

COMMITTEE GRANTED PERMISSION TO MEET

Representative Cavazos moved to suspend all necessary rules to allow the Committee on Insurance, Subcommittee on Budget and Oversight, to meet while the house is in session.

The motion prevailed without objection.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Insurance, Subcommittee on Budget and Oversight, at 10:26 a.m. today, Room 103, Reagan Building, to review agency performance.

Public Education, scheduled for 11 a.m. today, was postponed until further notice.

HOUSE AT EASE

At 10:26 a.m., the speaker announced that the house would stand at ease until 2 p.m. today.

The speaker called the house to order at 2 p.m.

(Hilbert and Carter now present)

MESSAGE FROM THE SENATE

Austin, Texas, November 12, 1992

The Honorable Speaker of the House of Representatives
House Chamber

The Honorable
Mr. Speaker:

I am directed by the Senate to inform the House that the Senate has passed the following:

HCR 1 by Martin, et al., in memory of the Honorable James Hury.

SJR 1 by Parker, proposing a constitutional amendment providing an equity standard for public school finance

SB 7 by Henderson, et al., relating to the validation of government acts and proceedings regarding certain bond elections

Respectfully,
Betty King
Secretary of the Senate

HR 39 - ADOPTED

Representative Delco moved to suspend all necessary rules to take up and consider at this time, **HR 39**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Delco:

HR 39, Welcoming Charles Washington, Jr., to Austin and congratulating him on his new position as assistant director of the IRS Austin Service Center.

The resolution was adopted without objection.

On motion of Representative Kubiak, the names of all the members of the house were added to **HR 39** as signers thereof.

HOUSE BILLS ON FIRST READING

The following house bills were today laid before the house, read first time, and referred to committees:

By Kubiak:

HB 2, A bill to be entitled An Act relating to the application of the professional prosecutors law to the county attorney of Lee County.

To Committee on Judiciary.

By Kubiak:

HB 3, A bill to be entitled An Act relating to the salary schedule for certain school district personnel.

To Committee on Public Education.

By Wilson:

HB 4, A bill to be entitled An Act relating to issuance of a license to carry a handgun and to the criminal offense of unlawfully carrying or possessing a weapon; providing criminal penalties.

To Committee on Public Safety.

By Wilson:

HB 5, A bill to be entitled An Act relating to the creation of a civilian review board for police accountability in certain counties.

To Committee on Urban Affairs.

By Gallego:

HB 6, A bill to be entitled An Act relating to the application of the professional prosecutors law to the district attorney of the 83rd Judicial District.

To Committee on Judiciary.

By Yarbrough, et al.:

HB 7, A bill to be entitled An Act relating to the creation of an offense involving sales of tickets to certain events; providing a penalty.

To Committee on State Affairs.

By Yarbrough:

HB 8, A bill to be entitled An Act relating to the creation of an offense involving certain sales of tickets to events; providing a penalty.

To Committee on State Affairs.

By Kuempel:

HB 9, A bill to be entitled An Act relating to the authority of a county to regulate the use of certain weapons in the unincorporated area of the county; providing a penalty.

To Committee on County Affairs.

By Ogden, et al.:

HB 10, A bill to be entitled An Act relating to financing public education.

To Committee on Public Education.

SENATE BILLS ON FIRST READING

The following senate bills were today laid before the house, read first time, and referred to committees:

SB 7 to Committee on County Affairs.

HOUSE JOINT RESOLUTIONS ON FIRST READING

The following house joint resolutions were today laid before the house, read first time, and referred to committees:

By Speaker Lewis, Delco, Glossbrenner, Danburg, and Berlanga:

HJR 1, A joint resolution proposing a constitutional amendment providing an equity standard for public school finance, authorizing the redistribution of certain ad valorem taxes levied and collected by certain school districts, authorizing certain tax rate limitations in certain school districts, providing certain state funds to the support of public education, and authorizing state general obligation bonds to assist school districts in financing facilities.

To Committee on Public Education.

By Kubiak:

HJR 2, A joint resolution proposing a constitutional amendment limiting the tax rate required for participation in the state school finance system.

To Committee on Public Education.

By Wilson:

HJR 3, A joint resolution proposing a constitutional amendment prohibiting the state from requiring a woman to complete a pregnancy.

To Committee on State Affairs.

By Linebarger:

HJR 4, A joint resolution proposing a constitutional amendment authorizing the redistribution of certain ad valorem taxes levied and collected by certain school districts.

To Committee on Public Education.

By Culberson, Chisum, A. Smith, Grusendorf, et al.:

HJR 5, A joint resolution proposing a constitutional amendment providing for equal educational opportunity, providing for local control by a school district of local taxes and for property tax relief, authorizing the legislature to determine the methods by which school districts are formed and by which state funds appropriated to school districts are allocated, and restricting the power of the courts to overturn a legislative decision regarding the system of or support for public education by adopting federal constitutional law that also preserves equal access to the courts.

To Committee on Public Education.

SENATE JOINT RESOLUTION ON FIRST READING

The following senate joint resolution was today laid before the house, read first time, and referred to committee:

SJR 1 to Committee on Public Education.

RESOLUTIONS REFERRED TO COMMITTEES

The following resolutions were laid before the house and referred to committees:

By Martin:

HCR 3, In memory of Lucy Sparks.

To Committee on Rules and Resolutions.

By Martin:

HCR 4, In memory of Luther Morgan.

To Committee on Rules and Resolutions.

By Martin:

HCR 5, In memory of Kermit Courville.

To Committee on Rules and Resolutions.

By Craddick:

HCR 6, In memory of B. J. "Joe" Pevehouse.

To Committee on Rules and Resolutions.

By Gallego:

HCR 7, Directing the Texas Department of Transportation to issue "U.S. Judge" plates to magistrates of the United States district courts.

To Committee on Transportation.

By Danburg:

HCR 8, Commemorating the 15th anniversary of the first National Women's Conference.

To Committee on Rules and Resolutions.

SCR 1, Paying tribute to the life of the Honorable Dorsey B. Hardeman.

To Committee on Rules and Resolutions.

By Speaker Lewis:

HR 2, Commending the Honorable Bruce Gibson for his many significant contributions to the state as a member of this legislative chamber.

To Committee on Rules and Resolutions.

By Speaker Lewis:

HR 3, Commending the Honorable Sam Russell for his many years of outstanding legislative service and extending best wishes to him for his continued success and happiness.

To Committee on Rules and Resolutions.

By Craddick:

HR 4, Congratulating Hazel Somerville on being named Garden Club Woman of the Year.

To Committee on Rules and Resolutions.

By Thomas:

HR 5, Honoring the memory of former State Representative Robert Edgar Hutchins, Jr.

To Committee on Rules and Resolutions.

By Thomas:

HR 6, Congratulating Coach Susan Morton and the Celeste High School Lady Blue Devils on winning the 1992 UIL Class A state basketball championship.

To Committee on Rules and Resolutions.

By Thomas:

HR 7, Commending Dr. Augustine Arize on his receipt of the Distinguished Faculty Award.

To Committee on Rules and Resolutions.

By Van de Putte:

HR 8, Honoring the memory of Senator Frank J. Lombardino.

To Committee on Rules and Resolutions.

By McCall:

HR 9, Honoring the memory of John J. Edwards.

To Committee on Rules and Resolutions.

By Willis:

HR 10, Honoring the memory of C. Aubrey Stewart.

To Committee on Rules and Resolutions.

By Willis:

HR 11, Paying tribute to the life of Exa Johnston.

To Committee on Rules and Resolutions.

By Willis:

HR 12, Paying tribute to the life of Richard E. "Dick" Salinas.

To Committee on Rules and Resolutions.

By Willis:

HR 13, Paying tribute to the life of Gloria DePoyster Lupton Tennison.

To Committee on Rules and Resolutions.

By De La Garza:

HR 16, Paying tribute to the life of Cesar "Cito" Luna.

To Committee on Rules and Resolutions.

By De La Garza:

HR 17, Paying tribute to the life of Aminta Lane Garza.

To Committee on Rules and Resolutions.

By De La Garza:

HR 18, Paying tribute to the life of M. Jean Curtright Stewart.

To Committee on Rules and Resolutions.

By De La Garza:

HR 19, Paying tribute to the life of Alexander Nicholas Paraskevas.

To Committee on Rules and Resolutions.

By De La Garza:

HR 20, Honoring the memory of Alejandro Moreno.

To Committee on Rules and Resolutions.

By T. Hunter:

HR 22, Paying tribute to the life of Jackson S. "Jack" Ryan.

To Committee on Rules and Resolutions.

By Von Dohlen:

HR 23, Honoring the memory of Arnold Fred Koop.

To Committee on Rules and Resolutions.

By Von Dohlen:

HR 24, Paying tribute to the life of M. Gene Ellis.
To Committee on Rules and Resolutions.

By Von Dohlen:

HR 25, Paying tribute to the life of Trooper Bill Davidson.
To Committee on Rules and Resolutions.

By Von Dohlen:

HR 26, Paying tribute to the life of Jack O. Miller, Sr.
To Committee on Rules and Resolutions.

By Von Dohlen:

HR 27, Honoring the memory of Dr. Melba McNeil Moore.
To Committee on Rules and Resolutions.

By Von Dohlen:

HR 28, Honoring Judge Joe E. Kelly on the occasion of receiving the Distinguished Citizen's Award.
To Committee on Rules and Resolutions.

By Von Dohlen:

HR 29, In memory of the Honorable William George Richards.
To Committee on Rules and Resolutions.

By Von Dohlen:

HR 30, Honoring the Edna Rotary Club on the occasion of its 60th anniversary.
To Committee on Rules and Resolutions.

By Von Dohlen:

HR 31, Congratulating the Mount Olive Baptist Church on the occasion of its 116th anniversary and commending the Reverend C. W. Roberts and his congregation.
To Committee on Rules and Resolutions.

To Committee on Rules and Resolutions.

By Von Dohlen:

HR 32, Commending Harold Cade for his many years of dedicated service as a teacher and educational administrator, and extending to him best wishes for a rewarding retirement.
To Committee on Rules and Resolutions.

To Committee on Rules and Resolutions.

By Von Dohlen:

HR 33, Honoring Charles Kvinta, Sr., for his many years of outstanding service as a civic leader and humanitarian.
To Committee on Rules and Resolutions.

To Committee on Rules and Resolutions.

By Von Dohlen:

HR 34, Honoring Dr. McHenry Lee for the exceptional contributions he has made to the field of dentistry in Texas.
To Committee on Rules and Resolutions.

To Committee on Rules and Resolutions.

By Danburg:

HR 36, Paying tribute to the life of Melvin Charles Hamilton.
To Committee on Rules and Resolutions.

By Danburg:

HR 37, Encouraging the Texas Education Agency to develop and incorporate programs, such as conflict resolution, child-rearing, and bigotry prevention classes, into the state's elementary school curriculum to curb the growing incidence of violent crime in Texas.

To Committee on Public Education.

By Carona:

HR 38, Requiring that all bills and joint resolutions properly within the purpose for which this session is now convened be committed to a committee of the whole house in lieu of commitment to a standing or select committee.

To Committee on Rules and Resolutions

By Kamel:

HR 40, Paying tribute to the life of Harris Oswalt.

To Committee on Rules and Resolutions.

By Kamel:

HR 41, Paying tribute to the life of Isadore Roosth.

To Committee on Rules and Resolutions.

By B. Hunter, et al.:

HR 42, Paying tribute to the life of Elbert E. Hall.

To Committee on Rules and Resolutions.

By B. Hunter:

HR 43, Congratulating Kari Jean Leong on the occasion of her selection by the Association of Texas Professional Educators as the organization's Elementary Educator of the Year for 1992.

To Committee on Rules and Resolutions.

By Jackson:

HR 44, Commending the employees of Solvay Interlox for their numerous contributions to the Deer Park community and congratulating the company on being named 1992 Industry of the Year by the Deer Park Chamber of Commerce.

To Committee on Rules and Resolutions.

RULES SUSPENDED

Representative Luna moved to suspend the 5-day posting rule to allow all committees of the house to consider legislation relating to establishing and making suitable provision for the support and maintenance of an efficient system of public free schools.

The motion prevailed without objection.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

County Affairs, on adjournment today, Desk 99, to consider **SB 7**.

Public Education, 3 p.m. today, Room 106, Reagan Building.

ADJOURNMENT

Representative Hudson moved that the house adjourn until 2:30 p.m. Monday, in memory of Lula Mae Ragsdale.

The motion prevailed without objection.

The house accordingly, at 2:22 p.m., adjourned until 2:30 p.m. Monday.

APPENDIX

ENROLLED

November 12 - **HCR 1**